A

R. Dis. File No. 600

1939.

Collection No.

Resident's Office

Bangalore

Pros. / Serial Nos. 1 - 4 P-12 (K)

Subject.

The Bangalore Midwives and Dhais Law, 1937. — Qualifications of Midwives & Dhais.

Previous References.

R Dis. 729/38 W
641/35

Later References.

Dy.No. 9811 S.N. 1

S.N. 7
Ca. p. 40
F. 641-35

Please see section 6 of the Law, which lays down that after the expiry of one year or such further period as may be fixed, no woman, unless she is registered under the Law shall attend any woman in childbirth, habitually and for gain. It is reported that registration of midwives has not started and that steps are being taken in that behalf. Perhaps it would be more appropriate to fix a future date rather than a past date on and after which contravention of section 6 would be an offence and punishable. Fixing of 31st March 1939 would reduce the section 6 to read that a woman unless she is registered shall not attend any woman in childbirth after 31st March 1939, whereas there is not yet a registered woman under the Law. It is for consideration whether 15th December 1939 or some suitable date may be fixed by which time registration would be complete, and the penal provisions of the law may be put into force.

2

Please see — Section 5 of the General Clauses Act, 1897.

Incidentally, the period of 1 year must be deemed to have expired on 10th June 1938, one year from the date on which the Law was made by the Crown Representative. The commencement of the Law was 10th June 1937, and the republication of it in the Residency Orders is only a formality and a means of giving publicity to the Laws. The point is not important because it is proposed to fix a specific date, and not a further period after the expiry of one year from the commencement of the Law. For orders.

ASRao
25.9.39

(P.N.C) D.T. Mysore.

Secretary.

25/9/39.

President, Municipal Commission, C. & M. Station, Bangalore.

U.O. No. D.9811-39/Judl., dated the 27th Sept. 1939

2/

4

1939 - my letter is a clerical error for 1940, which I very much regret. 31-3-1940 is the date I wished to propose.

H.H. Carbutt
29.9.39

S.R. u/o.

No. 4 546/39, dated 29/9/39

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
30 SEP 1939
Diary No. 10,112.
File No. 661/35

A.Rao
2.x.39

Draft of a Notification fixing the date as 31-3-1940 is submitted for approval.

A.S.Rao
2.x.39

A.Ranganathan
3/10/39.

Secretary.

8170(2), Issue.

3

Dy.No. 2776 S.N. 3

S.N. 7
Cor.p.40
F.641-35

Under the concluding words in clauses (a) and (b) of section 3(ii), the Resident can prescribe qualifications for midwives and dhais in order to be entitled to registration under the Law. The recommendation of the President, Municipal Commission, may be accepted. Draft submitted.

ASRao
3.4.40

Secretary.

Will Res. Surgeon please see G/o & say whether he agrees? AH 4/4

Residency Surgeon, Bangalore

G/o. No. D. 2776-40/Judl., dated the 4th April 1940.

I agree
4/iv

Secretary G/o. 87 Dt 9.4.40.

Draft Notifn. may be issued?
AH 9/4

S.N. 4 : Issue

S. N. 1

5—3,000—12—5—39.

No. 4546/89

CIVIL & MILITARY STATION, BANGALORE,
MUNICIPAL OFFICE.

Dated 19 September, 1939

From

H. H. CARLESTON, ESQ., I.C.S.,
President, Municipal Commission,
Civil and Military Station, Bangalore.

22.9.39

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
Diary No. 9811
File No.

The Secretary to the Hon'ble the Resident in Mysore,

BANGALORE.

Sir,

The Bangalore Midwives and Dhais Law, 1937.

I have the honour to state that the above law made by H. E. the Crown Representative was republished in the Hon'ble the Resident's Notification No.65 dated the 22nd June 1937 and the period of one year mentioned in Section 6 (2) of the law therefore expired on the 22nd June 1938. As the registration of Midwives and Dhais has not yet been started, the provisions of Section 6 have not been in operation. I request that the Hon'ble the Resident may be pleased to fix a further period from the 22nd June 1938 up to the 31st March 1940 under the provisions of Section 6 (2) of the law. I am now taking steps to get on with the work of registration.

S.N.7 (M)
Con p. 40
F. 641-35

I have the honour to be,
Sir,
Your most obedient servant,

H. H. Carleston

PRESIDENT, M. C.

HB. 19/9/1939.

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. 65, dated Bangalore, the 22nd June 1937.

The following notification of His Excellency the Crown Representative is republished :—

No. 107-I.B.

POLITICAL DEPARTMENT.

NOTIFICATION.

Dated Simla, the 10th June 1937.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to make the following law for the registration of midwives and dhais in the Civil and Military Station of Bangalore : —

A LAW TO PROVIDE FOR THE REGISTRATION AND CONTROL OF QUALIFIED MIDWIVES AND INDIGENOUS DHAIS IN THE CIVIL AND MILITARY STATION OF BANGALORE.

PREAMBLE.

Whereas it is expedient to provide for the registration and control of midwives and dhais in the Civil and Military Station of Bangalore, it is hereby enacted as follows :—

TITLE.

1. (i) This Law may be called the Bangalore Midwives and Dhais Law, 1937.

(ii) It shall extend to the whole of the Civil and Military Station of Bangalore.

DEFINITION.

2. In this Law, unless there is anything repugnant in the subject or context :

(a) 'Dhai' means an untrained woman practising the profession of midwifery.

(b) 'Local Authority' means the Municipal Commission, Civil and Military Station, Bangalore.

(c) 'Prescribed' means 'Prescribed by rules or bye-laws made under this law'.

(d) 'Register' means 'a register maintained under section 3' and 'registered' means 'registered in accordance with the provisions of that section'.

(e) 'the Resident' means the Resident in Mysore.

REGISTRATION OF MIDWIVES AND DHAIS.

3. (i) The Local Authority shall maintain a register of midwives and a register of dhais.

(ii) The following persons shall be entitled to registration under this Law, namely :

(a) Midwives who have undergone a course of training and instruction for one year in Midwifery and Gynæcology in a maternity hospital maintained by Government or approved by them for the purpose, and have passed a qualifying examination and obtained a certificate in midwifery * * * or who possess such other qualifications as may be prescribed by the Resident.

(b) Dhais who have undergone a course of training and instruction for one year in Midwifery and Gynæcology in a maternity hospital maintained by Government or approved by them for the purpose * * * and have passed a qualifying examination and obtained a certificate in midwifery * * * or who possess such other qualification as may be prescribed by the Resident.

(c) Any person who is already registered under the provisions of the British Midwives Act, 1902, the Madras Nurses and Midwives Act, 1926, or any other law which may be declared by the Resident as equivalent thereto.

REMOVAL AND RESTORATION OF NAME.

4. Subject to such conditions and in such manner as may be prescribed, the Local Authority may remove the name of any midwife or dhai from the register or restore thereto the name of any midwife or dhai which has been so removed.

APPEAL FROM LOCAL AUTHORITY.

5. Any midwife or dhai aggrieved by an order of the Local Authority may, within three months from the date on which notice of such order is given to her, appeal against the order to the Resident; and the Resident shall give such directions as he thinks proper, and the Local Authority shall comply with any directions so given.

PENALTY FOR PRACTISING MIDWIFERY BY AN UNREGISTERED PERSON.

6. (1) No woman, unless she is registered under this Law shall attend any woman in childbirth, habitually and for gain.

(2) If after the expiry of a period of one year or such further period as by notification in the *Residency Orders* the Resident may fix, any woman contravenes the provisions of sub-section (1), she shall on conviction, be liable to a fine which may extend to Rs. 50.

PENALTY FOR FAILURE TO REPORT CHILDBIRTH.

7. (1) In every case in which a midwife or dhai conducts a childbirth she shall report the fact within 24 hours of the birth to the Health Officer in the form prescribed by the Local Authority.

(2) Whoever fails to report childbirth in contravention of sub-section (1) shall be punishable with fine which may extend to Rs. 50.

DELEGATION OF POWERS TO THE PRESIDENT.

8. The Local Authority may delegate its powers, except the power to make bye-laws, to the President, Municipal Commission, Civil and Military Station, Bangalore.

POWER OF RESIDENT TO MAKE RULES.

9. The Resident may, after previous publication in the Official Gazette, make rules not inconsistent with this Law, for the purpose of carrying out all or any of the objects and purposes thereof.

POWER OF LOCAL AUTHORITY TO MAKE BYE-LAWS.

10. (i) The Local Authority may make bye-laws not inconsistent with the provisions of this or any other law or the rules made thereunder—

(a) for regulating the compilation, maintenance, and publication of the register showing the names of registered midwives and dhais with their residential addresses.

(b) for regulating the conditions of admission to the register.

(c) for prescribing the causes for which, the conditions under which, and the manner in which midwives and dhais may be removed from the register and the procedure for the restoration to the register of midwives and dhais who have been removed therefrom.

(d) for prescribing the rates of fees to be charged for registration.

(e) for the regulation and supervision of the practice of their profession by registered midwives and dhais.

(ii) No bye-law made by the Local Authority shall come into force until it has been confirmed by the Resident.

(iii) Every such bye-law shall, when so confirmed, be published.

PENALTY FOR BREACH OF RULES OR BYE-LAWS.

11. In making any rule or bye-law the Resident or the Local Authority, as the case may be, may provide that a breach of such rule or bye-law shall be punishable with fine which may extend to Rs. 50.

PANALTY FOR DISHONEST USE OF CERTIFICATE, FOR PROCURING REGISTRATION BY FALSE MEANS, AND FOR FALSIFICATION OF CERTIFICATES.

12. Any person who

(a) dishonestly makes use of any certificate of registration issued under the provisions of this Law to her or to any other person,

(b) procures or attempts to procure registration under the provisions of this Law by making or producing or causing to be made or produced any false or fraudulent declaration, certificate, or representation, whether in writing or otherwise, or

(c) wilfully makes or causes to be made any false representation in any matter relating to the register or the certificates issued under the provisions of this Law,

shall be punishable with fine which may extend to two hundred and fifty rupees, or with imprisonment which may extend to six months, or with both.

PENALTY FOR POSING AS REGISTERED MIDWIFE OR DHAI BY A PERSON WHO IS NOT SUCH.

13. Any person, who, not being a registered midwife or dhai, takes or uses the name or title of registered midwife or dhai, or uses any name, title, description, uniform, badge or signboard, implying that such person is a registered midwife or dhai, shall be punishable with fine not exceeding fifty rupees or with imprisonment which may extend to one month or with both.

MAGISTRATES EMPOWERED TO TRY OFFENCES UNDER THIS ACT.

14. No Magistrate other than a Magistrate of the First Class shall take cognisance of or try any offence under this Law.

C. L. CORFIELD,
Offg. *Secy. to His Excellency the Crown Representative.*

A. J. COURTNEY,
for Secretary to the Resident.

226 (2)—25-6-1937—50+2—RPB.

S No(2)

The Hon'ble the Resident in

Mysore.

No.119. Dated 10th October 1939.

Notification.

In pursuance of sub-section (2) of section 6 of the Bangalore Midwives and Dhais Law, 1937, the Hon'ble the Resident is pleased to fix 31st March 1940 as the date after which no woman shall contravene the provisions of sub-section (1) of the said section.

Secretary to the Resident.

To

The Manager, Residency Press for publication in the Residency Orders.

The President, Municipal Commission, Civil and Military Station, Bangalore, with reference to his letter No.4546/39, dated the 19th September 1939.

5—3.000—12—5—39

13

No. 1165/40 Confdl

S. N. 3

CIVIL & MILITARY STATION, BANGALORE.
MUNICIPAL OFFICE.

Dated 12th March 1940.

From

H. H. CARLESTON, ESQ., I.C.S.,
President, Municipal Commission,
Civil and Military Station, Bangalore.

To

The Secretary to the Hon'ble the Resident in Mysore,

BANGALORE.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
14 MAR. 1940
Diary No. 2776
File No. 20600/39

Sir,

Subject:-THE BANGALORE MIDWIVES & DHAIS LAW, 1937.

I have the honour to invite a reference to the Hon'ble the Resident's Notification No.119, dated the 10th October 1939, fixing the 31st March 1940 as the date after which no woman shall contravene the provisions of Sub-section (1) of Section 6 of the Bangalore Midwives and Dhais Law, 1937, and to state that the registration of midwives and dhais under this Law will be taken up from the 1st of April 1940.

2. I recommend that the Hon'ble the Resident may be pleased to prescribe the following as the qualifications for midwives and dhais trained at places other than those mentioned in Clauses (a) and (b) of Sub-section (ii) of Section 3 of the Law for purposes of registration:-

Midwives.

(1) Midwives trained and certified at Government Maternity Hospitals or other institutions recognised for training in Midwifery by the Provincial Governments in British India and the Government of Mysore.

Dhais.

(2) Dhais who have received training and passed the examination under the Victoria Memorial Scholarships Fund Scheme.

I have the honour to be,
Sir,
Your most obedient servant,

H. H. Carleston

PRESIDENT, M. C.

DIW.
12/3/40.

THE HON'BLE THE RESIDENT IN MYSORE.

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Issued 17/4

No. 49. Dated Bangalore, the 17th April 1940.

NOTIFICATION.

In pursuance of clauses (a) and (b) of section 3(ii) of the Bangalore Midwives and Dhais Law, 1937, the Hon'ble the Resident is pleased to prescribe that Midwives and Dhais who possess the qualifications noted in the margin shall be entitled to registration under the said Law

Midwives. Midwives trained and certified at Government Maternity Hospitals or other institutions recognised for training in Midwifery by the Provincial Governments in British India and the Government of Mysore.	
Dhais. Dhais who have received training and passed the examination under the Victoria Memorial Scholarships Fund Scheme.	

o/c

SECRETARY TO THE RESIDENT.

The Manager, Residency Press, Bangalore, for publication in the Residency Orders.

The President, Municipal Commission, Civil and Military Station, Bangalore, with reference to his letter No.1165/40, dated the 12th March 1940.

BJ